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April 5, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
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From: William T Fujioka
Chief Executive Officer

WASHINGTON, D.C. UPDATE ON GUN VIOLENCE LEGISLATION

This memorandum is to provide the Board with an update on gun violence legislation that is expected to be debated on the Senate floor over the next several weeks. The House, where opposition to gun violence legislation is much stronger, has not scheduled any action on such legislation.

Senate Judiciary Committee Action

Last month, the Senate Judiciary Committee approved the following four bills which are aimed at reducing gun violence:

S. 54 (Leahy, D-VT), Stop Illegal Trafficking in Firearms Act: This gun trafficking bill seeks to stop "straw purchasing" of firearms - the act of buying guns for those not legally allowed to have them. It makes the practice of "straw purchasing" a new Federal crime punishable by a fine and/or a maximum sentence of 25 years if the firearm is believed to have been bought for use in a violent crime. This crime would include buying a firearm for someone suspected or known to be banned from owning one, and also would apply to a person or entity which sells firearms to the straw purchaser.

S. 146 (Boxer, D-CA), School Safety Enhancements Act: This school safety bill authorizes \$40 million a year in Federal Fiscal Years 2014 through 2023, subject to available annual appropriations, for Community Oriented Policing Services (COPS)

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Secure Our Schools Grants for improving safety and preventing violence in schools. This program has not received any appropriations in recent years. It also establishes a Federal interagency task force to develop school safety guidelines and a National Center for Campus Public Safety.

S. 150 (Feinstein), Assault Weapons Ban Act: This bill reinstates and strengthens the 1994 assault weapons ban, which expired in 2004. It bans the sale, transfer manufacture, and importation of semiautomatic rifles and pistols that can accept detachable magazines and have at least one military feature, and also imposes the same restrictions on ammunition magazines with more than 10 rounds. Assault weapons which are lawfully possessed as of the date of the bill's enactment are exempt from the ban, but background checks will be required on all transfers of such weapons. Unlike the 1994 assault weapons ban which sunset after 10 years, the changes made by S. 150 would be permanent.

S. 374 (Schumer, D-NY), Fix Gun Checks Act: This bill requires background checks on all gun sales and ensures that all individuals prohibited from buying a gun are enrolled in the National Instant Criminal Background Check System (NICS). Gifts, transfer from a decedent's estate, and temporary transfers of firearms would be exempt from background checks. The Attorney General is authorized to issue regulations to implement the background check requirements, which would include provisions requiring a record of transfers of guns between unlicensed parties and setting a maximum fee to be charged of licensed firearm dealers for background checks.

The bill also would reauthorize NICS Record Improvement Program Grants in FFYs 2014 through 2018 at a level of \$100 million a year, subject to available annual appropriations. This program, which assists states in updating the background check database, has not received any appropriations in recent years. The current language in S. 374 is "placeholder" language, which has been subject to negotiations with Senators Coburn (R-OK), Kirk (R-IL), and Manchin (D-W VA) to reach a compromise on language, which can be passed on the Senate floor.

Senate Floor Debate

Senate Majority Leader Reid had previously stated that he planned to begin Senate floor debate on gun violence legislation next week after the Senate reconvenes from the Easter recess, however, recent news reports indicate that Senate floor debate may now take place in the next several weeks as negotiations continue on the background check language and a compromise has not been reached. **In preparing for the Senate floor debate, Senator Reid introduced S. 649, the Safe Communities, Safe Schools Act of 2013, which incorporates language from all of the Senate Judiciary Committee-**

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approved gun-related bills (S. 54, S. 146, and S. 374) except for S. 150, the assault weapons ban bill, on March 21, 2013. The assault weapons ban bill was not included because it is very doubtful that a simple majority of the Senate would vote in favor, let alone the 60-vote majority needed to overcome a filibuster. However, if S. 649 is used as the vehicle for gun violence legislation, it is expected that Senator Reid would allow language from Senator Feinstein's assault weapons ban bill to be offered as a floor amendment or possibly as two separate amendments - one with the entire bill language and another which only would ban high-capacity ammunition magazines.

Of the four bills approved by the Senate Judiciary Committee, Senator Boxer's school safety bill (S. 146) is the least contentious, by far. Four of the eight Republican members of the Committee voted in favor of the bill while all eight Republican members opposed S. 150, the assault weapons ban bill, and S. 374, the background check bill. Senator Grassley voted in favor of S. 54, the gun trafficking bill, though he has indicated that his vote does not mean that he would vote to pass the bill in its current form on the Senate floor. The school safety bill (S. 146) is the least contentious because it does not regulate gun ownership in any way, and because it mainly authorizes funding for COPS Secure our Schools Grants, which has not received any appropriations in recent years, including none in the recently enacted FFY 2013 Continuing Resolution.

Even if the Senate were to pass legislation to reduce gun violence this month, such legislation would face an even steeper uphill battle in the Republican-controlled House.

We will continue to keep you advised.

WTF:RA
MR:MT:OR:ma

c: All Department Heads
Legislative Strategist